

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG-RANGE PLANNING

Call to Order: By **CHAIRMAN ERNEST BERGSAGEL**, on January 28, 1999
at 8:00 A.M., in Room 317 Capitol.

ROLL CALL

Members Present:

Rep. Ernest Bergsagel, Chairman (R)
Sen. Tom A. Beck, Vice Chairman (R)
Sen. J.D. Lynch (D)
Rep. Matt McCann (D)
Sen. Chuck Swysgood (R)
Rep. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Cassandra Drynan, Committee Secretary
Jane Hamman, OBPP
Pam Joehler, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HOUSE BILL 5 & 14 - LONG RANGE
BUILDING PROGRAM**

Executive Action: None

JOINT HEARING (CORRECTIONS & LONG RANGE PLANNING) HB 5 & 14 - LONG RANGE BUILDING PROGRAM

Mr. Rick Day, Director of the Department of Corrections, DOC,
made introductions and gave a slide show overview of the
department's leadership, budget, accomplishments and proposals.

EXHIBIT(jlh22a01) EXHIBIT(jlh22a02) EXHIBIT(jlh22a03)

{Tape : 1; Side : A; Approx. Time Counter : 0.3 - 3:A:24.6}

CHAIRMAN BERGSAGEL asked how many of the 93% of female prisoners, who are served outside the prison, commit crimes while outside. Discussion followed.

{Tape : 1; Side : A; Approx. Time Counter : 10.5 - 11.4}

REP. MENAHAN asked how many women on the pre-release program had prior convictions. Discussion followed. Rick Day discussed **EXHIBIT (j1h22a04)** a summary of offenses committed and the conditions surrounding them.

{Tape : 1; Side : A; Approx. Time Counter : 11.5 - 17.2}

REP. MENAHAN asked why the department wasn't building a new prison in the west instead of expanding the prison in Billings. Discussion followed concerning privatization of the prisons.

{Tape : 1; Side : A; Approx. Time Counter : 21.2 - 25.3}

REP. CHRISTIAENS asked how long the new expansion would take care of the inmate population.

CHAIRMAN BERGSAGEL asked for a chart showing the female arrest rate.

{Tape : 1; Side : A; Approx. Time Counter : 25.3 - 28.3}

SEN. BECK asked if the facility in Dawson County was full

SEN. SWYSGOOD asked why they were filling the facility at Shelby to max when there were other facilities with spaces available.

{Tape : 1; Side : A; Approx. Time Counter : 30.6 - 32.2}

Discussion: Concerning the turnover rate.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 0.8}

REP. CHRISTIAENS asked how many people were in county jail holding. Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 0.8 - 2}

REP. MCCANN asked to see a projected released chart. Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 2.1 - 3.5}

Discussion: Concerning **HB 115** and how it may affect the release numbers.

{Tape : 1; Side : B; Approx. Time Counter : 3.5 - 5.6}

CHAIRMAN BERGSAGEL asked if the department was given legislative authority to contract out beds. Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 6.6 - 8.3}

SEN. CHRISTIAENS asked how many beds there were at Pine Hills.
Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 8.3 - 11.0}

REP. MENAHAN asked if there was a treatment center in Miles City.
Mr. Day responded that there would be when the facility was completed.

REP. ZOOK asked what the facility in Deerlodge cost per client per day. He then asked what the move to Miles City would cost per client.

{Tape : 1; Side : B; Approx. Time Counter : 11 - 12.5}

REP. MENAHAN asked about the training of the corrections and detention officers.

{Tape : 1; Side : B; Approx. Time Counter : 13.8 - 14.5}

CHAIRMAN BERGSAGEL asked to see the authorization and budget for the boot camp.

{Tape : 1; Side : B; Approx. Time Counter : 14.6 - 14.8}

CHAIRMAN BERGSAGEL asked if the guard positions had been eliminated.

{Tape : 1; Side : B; Approx. Time Counter : 17 - 17.7}

SEN. MOHL asked for an estimate of the cost on the Cook Chill project.

{Tape : 1; Side : B; Approx. Time Counter : 19.4 - 20.3}

SEN. SWYSGOOD asked what they did with the van that they purchased.

SEN. LYNCH asked if working prisoners were taking opportunities away from Montanans that needed jobs.

{Tape : 1; Side : B; Approx. Time Counter : 22.7 - 23.5}

Questions & Discussion: Concerning a pre-release facility east of Helena.

{Tape : 2; Side : A; Approx. Time Counter : 1.3 - 4.7}

SEN. CHRISTIAENS asked what the department's stance was on the inequalities of the men's and women's prisons and if there had been any talk of lawsuits.

{Tape : 2; Side : A; Approx. Time Counter : 4.8 - 6.3}

SEN. LYNCH asked what the average stay was at the Pine Hills facility.

CHAIRMAN BERGSAGEL asked where they were sending their 18 to 21 year olds. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 7.5 - 9}

SEN. CHRISTIAENS asked to see the numbers of juveniles returning to Pine Hills and the numbers of successful releases.

Question concerning where the correctional population was being dealt with.

{Tape : 2; Side : A; Approx. Time Counter : 9.1 - 10.5}

SEN. LYNCH commented that the department had said that they wouldn't be back for more money for the women's prison for 25 years after it was built. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 14.8 - 16.4}

SEN. BECK asked if they had begun construction on the two 96 bed units and if they were only asking for one now.

{Tape : 2; Side : A; Approx. Time Counter : 16.5 - 17.3}

REP. MENAHAN asked about establishing a sexual offenders treatment program in Missoula.

{Tape : 2; Side : A; Approx. Time Counter : 17.7 - 18.3}

SEN. BECK asked about the turnover rate at the prison for staff.

{Tape : 2; Side : A; Approx. Time Counter : 19.6 - 20}

Mr. Day referred to **EXHIBIT 1** and the present law adjustments.

{Tape : 2; Side : A; Approx. Time Counter : 20.3 - 22}

SEN. SWYSGOOD asked what the cost was for female and male out-of-state placements. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 22.4 - 23.1}

REP. MENAHAN asked for the total number of beds for females. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 23.2 - 25}

SEN. BECK asked if the addition in full time employees was expected to reduce the number of inmates. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 26.3 - 28.5}

REP. MCCANN asked if the projections for convictions would actually be smaller than they had estimated as the bubble of convicts waiting for beds would be taken care of and the future numbers would be lower than before the facilities were built. Discussion followed.

{Tape : 2; Side : B; Approx. Time Counter : 0.5 - 6.1}

Mr. Skip Culvert asked about the numbers used to prepare the budget.

SEN. LYNCH commented that the policy to decentralize the male prison population was a good idea, so why were they centralizing the female population. **Mr. Day** responded.

{Tape : 2; Side : B; Approx. Time Counter : 6.1 - 8.6}

REP. MENAHAN asked to see the numbers of parole violations and re-incarcerations for DUI convictions.

{Tape : 2; Side : B; Approx. Time Counter : 11.8 - 12.9}

SEN. CHRISTIAENS asked if there were DUI offenders who were discharged without any treatment.

{Tape : 2; Side : B; Approx. Time Counter : 13 - 14.9}

SEN. LYNCH asked who did the projections for the women's facilities.

{Tape : 2; Side : B; Approx. Time Counter : 16 - 17}

REP. ZOOK asked if the increasing female and juvenile populations were a national trend. Discussion followed.

{Tape : 2; Side : B; Approx. Time Counter : 19.7 - 20.5}

REP. FISHER asked how many convicts were from Montana and how many were from out-of-state.

{Tape : 2; Side : B; Approx. Time Counter : 20.8 - 23}

SEN. LYNCH asked to see the formulas for the projections.

SEN. CHRISTIAENS asked why they wouldn't contract with the South West region and build more beds there instead of adding them all to the mens prison in Billings.

{Tape : 2; Side : B; Approx. Time Counter : 28 - 30.4}

REP. MENAHAN commented that there was a greater capacity to expand in the South West region because of the Cook Chill facility, and wondered why they would not take advantage of this.

{Tape : 2; Side : B; Approx. Time Counter : 30.8 - 32.3}

SEN. LYNCH asked about the bed capacity of the central reception.

REP. MCCANN asked where the central reception unit was located and what would be done with the old maximum security.

{Tape : 3; Side : A; Approx. Time Counter : 6 - 7.7}

REP. MENAHAN asked how many prisoners the department had to guarantee the Shelby facility. Discussion followed.

{Tape : 3; Side : A; Approx. Time Counter : 7.7 - 8.7}

SEN. BECK commented that for the Shelby facility to stay in business they would have to maintain a certain number of inmates and without a guarantee, they may be in trouble.

{Tape : 3; Side : A; Approx. Time Counter : 8.9 - 9.5}

SEN. CHRISTIAENS asked how many inmates were in the special management population and if the pod in Shelby would be adequate to house them all.

{Tape : 3; Side : A; Approx. Time Counter : 9.9 - 11.2}

Mr. Rick Day discussed the Dr. X Building.

{Tape : 3; Side : A; Approx. Time Counter : 11.3 - 30.5}

SEN. LYNCH asked when the project would be done. **Mr. Day** responded that it would not be available until the year 2000 and explained what the Dr. X building was.

{Tape : 3; Side : A; Approx. Time Counter : 15.3 - 17}

SEN. BECK asked for the number of inmates involved with the Dr. X building and where the sex offenders were being placed.

{Tape : 3; Side : A; Approx. Time Counter : 17.1 - 20.4}

SEN. BECK asked about the cost per day for the prisoners and for the special management population.

{Tape : 3; Side : A; Approx. Time Counter : 20.6 - 22.3}

SEN. BECK commented that he would rather have a special session to adjust numbers instead of giving the department carte blanche authority to do some bonding now.

{Tape : 3; Side : A; Approx. Time Counter : 23.8 - 24.1}

Mr. Scott Craigel, Facilities Manager, DOC, gave an overview of the department's projects and their status.

{Tape : 3; Side : A; Approx. Time Counter : 25 - 27.5}

CHAIRMAN BERGSAGEL asked if they were on budget with the projects.

{Tape : 3; Side : A; Approx. Time Counter : 27.7 - 28}

REP. MENAHAN asked to see the design for the private prison.

{Tape : 3; Side : A; Approx. Time Counter : 30 - 30.3}

Mr. Craigel gave an overview of the proposed projects.

{Tape : 3; Side : A; Approx. Time Counter : 30.8 - 3:B:14.5}

SEN. LYNCH asked who owned the land for the Women's Prison expansion.

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 0.3}

CHAIRMAN BERGSAGEL asked what the cost per day for the debt service on the \$3 million would be. **Mr. Jo Williams**, Central Services, DOC, responded that it would be \$3.11 per day.

{Tape : 3; Side : B; Approx. Time Counter : 0.9 - 1.3}

SEN. MOHL asked who made the estimates on the projects and how close they had been on projects in the past.

{Tape : 3; Side : B; Approx. Time Counter : 1.7 - 2.9}

Ms. Jo Acton, Warden of the Montana Women's Prison, gave a short presentation and asked for the committees' support to expand. She expressed her concern over the special needs of female prisoners and their necessity to be near their families.

{Tape : 3; Side : B; Approx. Time Counter : 3 - 12.9}

SEN. CHRISTIAENS asked if the MSWP had special management cases and how they dealt with them.

{Tape : 3; Side : B; Approx. Time Counter : 12.9 - 13.6}

CHAIRMAN BERGSAGEL asked if this expansion would lower the cost per day per prisoner in the future.

{Tape : 3; Side : B; Approx. Time Counter : 13.7 - 14.2}

Mr. Craigel gave an overview of the Pine Hills construction project.

{Tape : 3; Side : B; Approx. Time Counter : 14.6 - 17.8}

CHAIRMAN BERGSAGEL asked if they already had the money to demolish the Russell building.

SEN. BECK asked if they could use the Russell building instead of demolishing it.

{Tape : 3; Side : B; Approx. Time Counter : 15.5 - 16.2}

Mr. Steve Gibson, Superintendent of the Pine Hill Youth Correctional Facility, discussed the previous expansion and the sex offender program. He then went over the admissions records and explained that there had been an increase in serious offenders.

{Tape : 3; Side : B; Approx. Time Counter : 17.9 - 23.1}

REP. ZOOK asked for the most prevalent offense committed by the juveniles in Pine Hills and the average length of stay. He also

asked if these felony offenders were being released early because of lack of space.

{Tape : 3; Side : B; Approx. Time Counter : 23.2 - 25.5}

SEN. BECK asked about the Russell building and if there would be additional costs if the expansion project was delayed two years.

Mr. Gibson responded that the real problem would come from the early releases and lack of treatment for the offenders.

SEN. BECK asked if there was any sort of community setting where these early releases could go to before being let loose.

{Tape : 3; Side : B; Approx. Time Counter : 25.7 - 4:B:0.7}

REP. ZOOK asked if the average stay would increase with the additional pod.

{Tape : 4; Side : A; Approx. Time Counter : 0.9 - 2.6}

REP. FISHER asked if the kids in Pine Hills were getting tougher as the years go by. **Mr. Gibson** responded that gangs, mental illness and drugs were making these kids more difficult.

{Tape : 4; Side : A; Approx. Time Counter : 2.8 - 4.5}

Mr. Gibson addressed the average length of stay at Pine Hills.

{Tape : 4; Side : A; Approx. Time Counter : 4.7 - 5.7}

Mr. Craigel went over the costs of expansion at the Montana State Prison.

{Tape : 4; Side : A; Approx. Time Counter : 5.7 - 10.5}

Mr. Mike Mahoney, Warden MSP, gave a power point presentation covering the parking lot project, safety improvements, projects currently under construction, the Cook Chill project, the Central Reception Unit, the expansion of the Wallace building and the Stand Alone Armory.

{Tape : 4; Side : A; Approx. Time Counter : 10.5 - 31.5}

Ms. Terry Minow, Montana Federation of Teachers and State Employees and the Montana Education Association, spoke in support of the projects at MSP and MSWP.

{Tape : 4; Side : A; Approx. Time Counter : 31.8 - 4:B:0.1}

Mr. Jerry Thomas, Executive Director of the Big Sky Economic Development Authority, spoke in support of the expansion of MSWP in Billings **EXHIBIT(jlh22a05)**.

{Tape : 4; Side : B; Approx. Time Counter : 0.3 - 1.2}

Ms. Janey McCall, representing the city of Billings and the Yellowstone Coalition, spoke in support of the expansion of the MSWP in Billings.

{Tape : 4; Side : B; Approx. Time Counter : 1.2 - 2}

Mr. Mahoney made some clarifications concerning the turnover rate of the staff at MSP.

{Tape : 4; Side : B; Approx. Time Counter : 2.1 - 3.1}

CHAIRMAN BERGSAGEL asked if the turnover was due to the pay, the conditions, length of commute or other job opportunities.

{Tape : 4; Side : B; Approx. Time Counter : 3.2 - 4}

**JOINT HEARING (CORRECTIONS & LONG RANGE PLANNING) HB 5 & 14 -
LONG RANGE BUILDING PROGRAM - CLOSED**

ADJOURNMENT

Adjournment: 12:00 P.M.

REP. ERNEST BERGSAGEL, Chairman

CASSANDRA DRYNAN, Secretary

EB/CD

EXHIBIT (j1h22aad)